

NO. 02-18-00138-CR

**IN THE COURT OF APPEALS
FOR THE SECOND DISTRICT OF TEXAS
AT FORT WORTH**

FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
4/17/2020 11:12:02 AM

DEBRA SPISAK
Clerk

CRYSTAL MASON,

Appellant,

V.

STATE OF TEXAS,

Appellee.

**On appeal from 432nd District Court
Of Tarrant County, Texas
In Cause No. 148710D
The Honorable Ruben Gonzalez, Jr. Presiding**

**APPELLANT'S SECOND UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR EN BANC RECONSIDERATION**

TO THE HONORABLE JUSTICES OF THE SECOND COURT OF APPEALS:

Pursuant to Texas Rule of Appellate Procedure 10.5 (b), Crystal Mason, Appellant, respectfully requests that this Court grant a 31-day extension of time to file her Motion for En Banc Reconsideration, making her motion due June 1, 2020. In support of this Motion, Ms. Mason shows the Court the following:

1. On March 19, 2020, the Court issued its opinion in this case, affirming the trial court's judgment.

2. Ms. Mason intends to file a Motion for En Banc Reconsideration.

Under Texas Rule of Appellate Procedure 49.7, Ms. Mason's motion was originally due April 3, 2020.

3. This Court granted Ms. Mason a 28-day extension to file her Motion for En Banc Reconsideration on or before May 1, 2020.

4. Ms. Mason now seeks a second, 31-day extension, to file her Motion for En Banc Reconsideration on or before June 1, 2020.

5. This extension is necessitated by the press of other matters, including obligations by Counsel for Ms. Mason in the following other cases: *Stringer et al. v. Hughs et al.*, 5:20-cv-00046-OLG (W.D. Tex.) (depositions on April 17, 21, 23, 27, 29, and 30, 2020); *Black Voters Matter Fund v. Raffensperger*, No. 1:20-cv-01489 (N.D. Ga.) (preliminary injunction hearing on April 24, 2020); *Sanchez v. Dallas County Sheriff*, 3:20-cv-00832-E (N.D. Tex.) (temporary restraining order hearing on April 21, 2020); *In re Greg Abbott, Governor of the State of Texas, and Ken Paxton, Attorney General of the State of Texas*, 20-0291 (Supreme Court of Texas) (merits briefing due April 18, 2020); *Planned Parenthood Center for Choice v. Abbott*, 1:20-cv-00323-LY (W.D. Tex.) (preliminary injunction briefing due April 17, 2020 and hearing on April 29, 2020).

6. In addition to these obligations, the COVID-19 outbreak continues to create significant operational difficulties for counsel including the closure of the counsels' offices, the technological and procedural hurdles of operating from home, and coordinating appropriate child-care solutions.

7. Finally, one of Ms. Mason's counsel will be going on parental leave as of April 23, 2020, if not sooner.

8. Appellee's counsel is unopposed to this request.

9. This is Appellant's second request for an extension of time to file their Motion for En Banc Reconsideration.

10. The Motion is not being filed for purposes of delay, but only so that justice may be done and that a Motion for En Banc Reconsideration can be prepared that will assist the Court.

11. Ms. Mason is out on bond pending appeal.

PRAYER

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant this Unopposed Motion and extend the deadline for her Motion for En Banc Reconsideration by 31 days, to and including Monday, June 1, 2020.

Respectfully submitted,

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*Counsel for Appellant,
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CERTIFICATE OF CONFERENCE

I certify that I have conferred with the office of Assistant District Attorney Helena Faulkner as counsel for Appellee State of Texas via email on or before the date of the filemark appended hereto. The State is **unopposed** to the Court granting the motion.

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on the following counsel of record via e-service on this the April 17, 2020:

Counsel for Appellee State of Texas:

Sharen Wilson, *Criminal District Attorney*

Joseph W. Spence, *Assistant Criminal District Attorney, Chief, Post-conviction*

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